

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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SHELBY COUNTY ENVIRONMENTAL  
COURT, MEMPHIS DIVISION OF  
PUBLIC WORKS, CODE ENFORCEMENT –  
CITY OF MEMPHIS,

Plaintiff,

v.

Case No. 2:23-cv-02653-MSN-cgc  
JURY DEMAND

WILLIE GORDON,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION; REMANDING CASE TO  
STATE COURT; AND DIRECTING CLERK TO CLOSE THE MATTER**

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Before the Court is the above captioned case removed to this Court by Defendant Willie Gordon. (ECF No. 1.) On November 27, 2023, the Magistrate Judge issued a Report and Recommendation recommending that this matter be remanded to state court. (“Report,” ECF No. 9.) For the reasons below, this Court **ADOPTS** the Report and **REMANDS** this matter to state court.

**BACKGROUND**

On October 11, 2023, Defendant removed this case to this Court from the Shelby County General Sessions Court on grounds that it arose under the Constitution, laws, or treaties of the United States. (ECF No. 1 at PageID 6.) The Magistrate Judge observed, however, that the allegations at issue in this case involve violations of city ordinances and do not involve federal questions. (ECF No. 9 at PageID 37.) She also found that there was no basis for removal to this

Court based on diversity jurisdiction since Defendant is a citizen of Tennessee. (*Id.* (citing 28 U.S.C. § 1441(b).))

### **DISCUSSION**

The Report explicitly stated that objections to it must be filed within fourteen (14) days of being served a copy of the Report. (ECF No. 9 at PageID 38.) It also stated that failure to timely object “may constitute a waiver of objections, exceptions, and any further appeal.” (*Id.*) Defendant did not file any objections and the time for doing so has passed. Even so, this Court has reviewed the Report and agrees that this Court lacks subject matter jurisdiction and that removal under 28 U.S.C. §1441 is thus improper.

### **CONCLUSION**

The Report (ECF No. 9) is **ADOPTED**. This case is **REMANDED** to the Shelby County General Sessions Court and the Clerk is **DIRECTED** to close this matter without entry of judgment.

**IT IS SO ORDERED**, this 18th day of December, 2023.

*s/ Mark S. Norris*

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MARK S. NORRIS

UNITED STATES DISTRICT JUDGE